



## Staff Report

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### Honorable Mayor and Members of the Hermosa Beach City Council Regular Meeting of November 12, 2019

#### DESIGNATION OF CITY NEGOTIATOR (City Attorney Mike Jenkins)

##### **Recommended Action:**

City Attorney recommends that the City Council designate Stacey Armato as the City's negotiator for purposes of conducting a closed session under Government Code section 54957.6 relative to negotiations with the City Manager concerning a compensation adjustment.

##### **Background:**

Section 5 of the City Manager's employment agreement with the City provides in part as follows:

"Employee shall not be entitled automatically to receive cost of living adjustments afforded to City's classified employees or department head level executives, but the City Council may in its discretion take the cost of living index into consideration when adjusting Employee's compensation. At the time of her annual performance evaluation, or at any other time desired by the City Council, City agrees to evaluate Employee's salary and/or any other benefits Employee receives under this Agreement and to make modifications in such amounts and to such an extent as City Council in its discretion may determine that it is desirable to do so based on Employee's performance and such other information as Employee may submit as Employee deems relevant to this determination, including evidence of salaries paid to city managers in comparable cities."

City Manager Lowenthal's annual performance evaluation was conducted by the Council on October 8, 2019. Under the above provision, it is now time for the City Council to consider whether to make a salary adjustment.

Government Code Section 54957.6(a) provides that the City Council may hold a closed session for this purpose:

(a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and

unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

A closed session will be scheduled for that purpose at the Council's November 18, 2019 adjourned regular meeting pursuant to Government Code Section 54957.6.

Government Code Section 54954.5(f) provides that the City's designated representative be identified on the closed session agenda and Government Code Section 54957.6 (a), quoted above, requires that the City's designated representative be identified prior to the closed session. It is recommended that, for purposes of identifying the City's negotiator on the closed session agenda for November 18, 2019, the Council designate Stacey Armato on the agenda as the City's negotiator.

Final action on an adjustment to the City Manager's compensation, if any, must be made in open session at a regular meeting of the City Council.

**Respectfully Submitted by:** Michael Jenkins, City Attorney